

REMARKS

Claims 1-15 and 17 are in this application and are presented for consideration. By this amendment, Application has revised independent claims 1 and 8 to more particularly highlight important features of the combination claimed. Claim 5 has been rewritten in independent form to present the claim in allowable form. Claim 15 has been combined with allowable claim 16 such that claim 15 should now be considered allowable.

Claims 1, 8 and 15 have been rejected as being anticipated by Gittelsohn (U.S. 3,470,866).

Applicant has revised each of the independent claims. The claims highlight the combination of a hood portion and a wall adaptor or double wall adaptor wherein the wall adaptor has a peripheral edge with peripheral seal to connect the wall adaptor to the hood portion to provide a double wall region with the interior of the double wall region being sealed to the outside. This is further discussed below.

The references including Gittelsohn fail to present or teach the combination claimed. Accordingly, reconsideration of the rejection based on Gittelsohn is requested.

Claims 1-4, 7-11 and 14 have been rejected as being anticipated by Maluta et al. (U.S. 4,321,913).

The Maluta et al. reference discloses an isolation incubator that includes a double wall structure wherein conditioned air is fed through the double wall structured. The double wall structure is provided in two sections wherein one section is slightly radially outward of the other such that it can slide over the inner section to open up the isolation incubator. The two

sections are sealed relative to each other. Although these sections are moveable relative to each other, it is Applicant's position that Maluta et al. does not disclose a connection means for detachably or pivotable connected one portion relative to the other, namely to move from the state in which the extra wall is in parallel to the base wall (in connected state) to a state in which the extra wall is not so positioned (disconnected state). Maluta et al. fails to teach the basic concept of the invention of providing a basic incubator hood portion and an adaptor or double wall portion which can form a double wall with the basic wall portion and which can also be removed so as to expose the outer most surface. With Maluta et al. there really is two basic wall portions wherein one is moveable relative to the other. In each case the basic wall is a double wall but of course neither outer wall of the double wall construction is removable from the inner wall. In this way, Maluta et al. teaches away from the concept of the invention. Maluta et al. does not teach a peripheral seal extending fully around the peripheral edge of the double wall portion or wall adaptor and having an opposite sealing side connecting to the hood portion outer surface. The seal, double wall (or wall adaptor) and hood portion of Maluta et al. do not isolate an intermediate volume in an intermediate space with respect to the interior of the hood and with respect to the exterior environment. As such, Maluta et al. fails to teach and fails to suggest the features of the combinatin.

Applicant's revised claim 1 highlights the position of the double wall portion or wall adaptor extending in parallel to the hood portion in the connected space with the connector providing this positioning and allowing for a disconnected state in which there is no parallel positioning of the double wall portion (adaptor wall) and the hood surface. Claim 1 highlights

the peripheral seal which extends fully around the peripheral edge and provides the isolation as noted above.

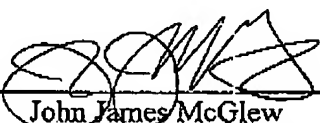
Claim 8 also highlights similar features and notes that the hood part is the single wall hood limiting surface and the wall adaptor is a single wall element with a peripheral edge wherein the two together form a double wall. The claim notes that the peripheral edge has a peripheral seal wherein this isolates the volume as noted above wherein the remainder of the hood part is not covered by the wall adaptor. It is Applicant's position that the combination of claims 1 and 8 is clearly neither taught nor suggested by Maluta et al. Applicant's revised claims highlight the important features of Applicant's invention which attain difference results from the prior art as a whole.

Applicant's invention is not directed to accessing the interior of the incubator or thermal therapy device per se. Instead, Applicant provides an insulating element to provide better insulation properties while avoiding specific problems of the prior art including the inability to clean the surface between an outer wall of a double wall structure and the inner wall as well as to remove it for observation purposes, cleaning or to change the thermal characteristics. The prior art as a whole fails to direct the person of ordinary skill in the art toward the crux of Applicant's invention. The prior art does not teach the combination as noted above and also directs the person of ordinary skill in the art toward very difference constructions. Gittelsohn clearly teaches the person of ordinary skill in the art that a multiple chamber device can be provided, namely a chamber within or inside another chamber. This does not resolve the many problems which Applicant has noted and which Applicant addresses

with the construction according to the invention. Maluta et al. provides a double wall structure and has an elaborate system for distributing air or conditioned gas in this double wall structure, (between inner and outer wall). Maluta et al. further allows two sections of this to move relative to each other. However, this does not direct the person of ordinary skill in the art toward a solution of the problems which Applicant's invention solves. Further, it does not direct the person of ordinary skill in the art toward the combination Applicant claims.

Applicant respectfully requests that the Examiner reconsider the rejections in view of the revised claims and in view of the discussion above.

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